



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action
Agency Background Document

Agency Name:	Board of Housing and Community Development
VAC Chapter Number:	13 VAC 5-51-10 et seq.
Regulation Title:	Virginia Statewide Fire Prevention Code
Action Title:	General Revision
Date:	October 15,2001

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

To initiate a review and re-evaluation of the regulation to determine if it should be continued, amended, or terminated. And to consider amending the regulation by adopting and incorporating by reference the International Code Council's (ICC), International Fire Code / 2000 and to put before the public proposed changes submitted to the BHCD.

(Background)The ICC was established in 1994 as a nonprofit organization dedicated to developing a single set of comprehensive and coordinated national model construction/fire codes. The founders of the ICC are Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International, Inc. (SBCCI). Since the early part of the last century, these nonprofit organizations developed the three separate sets of model codes used throughout the United States. Although regional code development has been effective and responsive to our country's needs, the time came for a single set of codes. The nation's three-model code groups responded by creating the ICC and developing codes without regional limitations.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

§ 27-97 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+27-97>), empowers the Board of Housing and Community Development (BHCD) to adopt and promulgate a Statewide Fire Prevention Code which shall be cooperatively developed with the Fire Services Board. The Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local governments or other political subdivisions. Local governments are hereby empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure, including the voluntary installation of smoke alarms and regulation and inspections thereof in commercial buildings where such smoke alarms are not required under the provisions of the Code. In formulating the Fire Prevention Code, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations including, but not limited to, standards of the Southern Building Code Congress, the Building Officials and Code Administrators International, Inc., the National Fire Protection Association, and recognized organizations issuing standards for the protection of the public from the hazards of explosives and blasting agents. Such standards shall be based on the companion document to the model building code referenced by the Uniform Statewide Building Code.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The BHCD envisions that the details of anticipated changes to be implemented by this proposed regulatory action are to update the existing SFPC to incorporate by reference the International Code Council's (ICC), International Fire Code/2000 (IFC) and to solicit proposed changes from the public. The BHCD also believes that there are substantial advantages in combining the efforts of the three existing code organizations to produce a single set of international model codes. Architects, engineers, designers, contractors and developers will now be able to work with a consistent set of technical requirements throughout the United States. Manufacturers can put their efforts into research and development rather than designing to three different sets of standards, and can focus on being more competitive in worldwide markets. With the advent of the IBC and departure of the three separate model codes there can now be uniform education and certification programs used internationally. All technical issues and concerns now have a single national forum for discussion, consideration and resolution. Whether the concern is disaster

mitigation, energy conservation, accessibility, innovative technology or fire protection, the ICC provides a single forum for national and international attention and focus.

The BHCD has determined that the proposed regulatory action is essential to protect the health, safety or welfare of citizens because the adoption of a single set of international model codes will lead to more consistent code enforcement and interpretation and a safer, higher quality built environment for the citizens of the Commonwealth.

The lists of potential issues that may need to be addressed as the regulation is developed are the following:

- (a) - Installation of non-required fire protection systems;
- (b) - Subjects not regulated and matters not provided for in the SFPC;
- (c) - Fire apparatus access roads and spacing of fire hydrants.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The specific alternative to the anticipated proposal that has been considered to meet the essential purpose of the action is to continue with the 1996 BOCA National Fire Prevention Code (BNFPC) as the referenced model code for Virginia for another three or more years, given that the BNFPC is no longer being updated and there are no code hearings being conducted to update the BNFPC since the ICC has been formed and the 2000 IFC has been publicly available for over a year.

During the entire regulatory adoption process for these amendments the BHCD will consider all less burdensome and less intrusive alternatives suggested or recommended which achieve the essential purpose as required by statute.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The agency's preliminary analysis of the potential impact of this proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will be, is to neither:

- 1 - strengthen nor erode the authority and rights of parents in the education, nurturing, and supervision of their children;
- 2 - encourage nor discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents;
- 3 - strengthen nor erode the marital commitment; and
- 4 - increase nor decrease disposable family income.